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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Sprey et al.
Appl. No. : 09/771,673
Filed : January 29, 2001
For : METHOD AND INSTALLATION
FOR ETCHING A SUBSTRATE
Examiner : Sylvia MacArthur
Group Art Unit : 1763

CERTIFICATE OF MAILING

I hereby certify that this correspondence and all marked attachments are being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

March 2, 2004

(Date)

Adeel S. Akhtar, Reg. No. 41,394

REQUEST FOR WITHDRAWAL OF FINALITY OF OFFICE ACTION
UNDER M.P.E.P. § 706.07(D)

Mail Stop AF

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Dear Sir:

In response to Applicants' Request for Continued Examination (RCE), the Examiner mailed an Office Action on February 6, 2004 rejecting Applicants' amended claims and indicating that the Office Action was final, under M.P.E.P. § 706.07(a). Applicants note, however, that M.P.E.P. § 706.07(a) is inapplicable to the present case, since M.P.E.P. § 706.07(a) pertains to second actions, while the present Office Action is a first action, in view of the previously submitted RCE.

Rather, Applicants note that M.P.E.P. § 706.07(b) governs the present case and, as such, a first action can be made final only if the claims are directed to the same invention claimed in the application prior to the RCE under 37 C.F.R. § 1.114. In view of the amendments to the claims, Applicants submit that the claims are not directed to the exact same invention claimed in the application prior to the RCE. Moreover, Applicants note that the Office Action contains new grounds for rejection and that the rejections are based upon newly cited art.

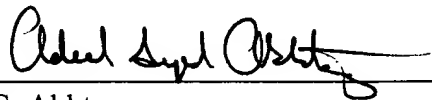
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Accordingly, Applicants respectfully request that the finality of the Office Action mailed February 6, 2004 be withdrawn.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: March 2, 2004

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